

# **Exhibit D**

**PX-325**

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**From:** Zabek, Jason (CCI-Atlanta)  
**Sent:** Thursday, February 28, 2013 11:28 AM  
**To:** Civiletto, John (CCI-Atlanta)  
**Subject:** RE: This Is What the Copyright Alert System Looks Like in Action

Anytime...

Please know that these messages have changed overtime and each time we work with Legal and customer care to make sure everyone is happy.

Have good day.

## COX

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**Jason Zabek**  
**Manager, Customer Safety**  
404-269-8129 tel  
6305-A Peachtree Dunwoody Road, Atlanta GA 30328  
CTECH A10-154

Visit the MyAxis page: [TechOps](#)

*(There are things that go bump on the Internet;  
We are the ones who bump back!)*

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**From:** Civiletto, John (CCI-Atlanta)  
**Sent:** Thursday, February 28, 2013 11:19 AM  
**To:** Zabek, Jason (CCI-Atlanta)  
**Subject:** RE: This Is What the Copyright Alert System Looks Like in Action

Got it..thx!

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**From:** Zabek, Jason (CCI-Atlanta)  
**Sent:** Thursday, February 28, 2013 11:18 AM  
**To:** Civiletto, John (CCI-Atlanta); Agcaoili, Phil (CCI-Atlanta)  
**Subject:** RE: This Is What the Copyright Alert System Looks Like in Action

Here ya go:

Dear Customer,

This message is to advise that Cox Communications has received a notice claiming that you are using your Cox High Speed Internet service to post or transmit material in violation of U.S. Copyright law. We have included a copy of the complaint, which identifies the party raising it and the material claimed to be infringing.

We ask that you review the complaint and, if it is valid, promptly remove or disable access to the infringing material. If you disagree with the claims in the notice, you should contact the sender, and not Cox, to resolve the matter.

As an Internet Service Provider, Cox is responsible, under the Digital Millennium Copyright Act ("DMCA"), to advise when we receive a notice asserting infringement by you. We are also required to take appropriate action if further claims are received that you do not resolve.

The material that you post or share online is your responsibility. Cox encourages responsible Internet use, but we do not monitor nor control the information you share. We have a duty, however, to take progressive steps when we received complaints of infringement.

If we continue to receive infringement claims such as this one, concerning your use of our service, we will suspend your account and disable your Internet connection until you confirm you have removed the infringing material.

To learn more about your responsibilities concerning copyrighted material, please refer to our help article at:  
<http://ww2.cox.com/PeerToPeerNetworks>

General information & FAQs about DMCA notices:

<http://www.respectcopyrights.org/>

[https://www.riaa.com/toolsforparents.php?content\\_selector=resources-music-copyright-notices](https://www.riaa.com/toolsforparents.php?content_selector=resources-music-copyright-notices)

If you would like to reply to this email, please keep the subject line intact for tracking purposes.

Sincerely,

Cox Customer Security

## COX

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**Manager, Customer Safety**  
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**From:** Civiletto, John (CCI-Atlanta)  
**Sent:** Thursday, February 28, 2013 11:16 AM  
**To:** Zabek, Jason (CCI-Atlanta); Agcaoili, Phil (CCI-Atlanta)  
**Subject:** RE: This Is What the Copyright Alert System Looks Like in Action

Ah – thanks for putting the pieces together – I guess in my mind I was thinking about CATS but I didn't realize today that we had the progressive steps all the way to termination...

Just for my education can you send me examples of our notification emails...doesn't have to be every one...just a couple...

Thx!

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**From:** Zabek, Jason (CCI-Atlanta)  
**Sent:** Thursday, February 28, 2013 9:06 AM  
**To:** Civiletto, John (CCI-Atlanta); Agcaoili, Phil (CCI-Atlanta)  
**Subject:** RE: This Is What the Copyright Alert System Looks Like in Action

Hello Gentlemen,

Cox has had a policy on this ever since I can remember and we have always enforced it. We have a more liberal strike policy that we enforce. They use the number 6, we are around 10 before termination. We only terminate 5 to 6 people a year and if they call me and start crying and begging, I feel bad and turn them back on.

It starts with several warnings, then quarantine, then a strong lecture and if needed, termination.

Lucky, 80% of our customers that share copyrighted material stop by the 2<sup>nd</sup> warning. At each step we educate them on the illegal activity and our AUP.

At this time, we are not using IBN (in browser) to warn the customer, we use email and our walled garden. That could change, yet our M&P has worked well over the past years so there is no need to add IBN right now.

What this new Copyright Alert system has done, is copy what we have been doing for years with some slight modifications within each ISP.

Randy Cadenhead was part of the discussions surrounding this new system. He helped to mold part of the agreement yet Cox decided not to participate for several reasons; We already had a system in place and working, they wanted customer calls to go to a call center run by a third party beholden to many movie studios, record companies, etc and we were not going to let them have access to our customers or their info and there was a fee that each ISP paid to this third party.

We have worked closely with every large company (HBO, Universal, Warner Bros, etc) to have them digitally sign each complaint. This allows us to automate 90% of the complaints. It is probably higher than 90% but I have not had enough coffee so it was easier to type... ☺

Last month, CATS handled 50670 DMCA complaints, taking action automatically compared to 2409 DMCA complaints that had to be worked manually by our teams. We get well over

Does that help? Holler if I have not answered your questions.

## COX

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Jason Zabek  
Manager, Customer Safety  
404-269-8129 tel  
6305-A Peachtree Dunwoody Road, Atlanta GA 30328  
CTECH A10-154

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We are the ones who bump back!*)

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**From:** Civiletti, John (CCI-Atlanta)  
**Sent:** Thursday, February 28, 2013 8:30 AM  
**To:** Zabek, Jason (CCI-Atlanta); Agcaoili, Phil (CCI-Atlanta)  
**Subject:** FW: This Is What the Copyright Alert System Looks Like in Action

Guys – are we moving down this road also? I haven't heard about it...if so, can I get a quick summary/briefing.

thx

# This Is What the Copyright Alert System Looks Like in Action

Gizmodo | Feb 28, 2013



By now, you've heard enough about the Copyright Alert System to know what it is and, perhaps, how useless it could be. But what the hell will it look ...

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Sent from my mobile....

**PX-327**

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**From:** Victoria Sheckler <VSheckler@riaa.com>  
**Sent:** Thursday, April 18, 2013 11:00 AM  
**To:** Cadenhead, Randy (CCI-Atlanta-LD)  
**Cc:** Beck, Brent (CCI-Atlanta)  
**Subject:** RE: notice limit

Thanks.

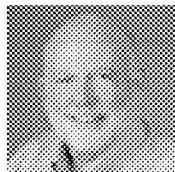
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**From:** Cadenhead, Randy (CCI-Atlanta-LD) [mailto:[Randy.Cadenhead@cox.com](mailto:Randy.Cadenhead@cox.com)]  
**Sent:** Thursday, April 18, 2013 10:58 AM  
**To:** Victoria Sheckler  
**Cc:** Beck, Brent (CCI-Atlanta)  
**Subject:** RE: notice limit

I've checked with our technical team. We do want to be as helpful as we can, but we have to be mindful of the call volume that notices generate. They think that we can try accepting 600 per week day, subject to unexpected call concerns that might arise.

Does that sound OK?

*Randy Cadenhead*



Privacy Counsel  
Cox Communications  
404 269 7671  
[Randy.Cadenhead@Cox.com](mailto:Randy.Cadenhead@Cox.com)

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**From:** Victoria Sheckler [mailto:[VSheckler@riaa.com](mailto:VSheckler@riaa.com)]  
**Sent:** Tuesday, April 16, 2013 9:33 PM  
**To:** Cadenhead, Randy (CCI-Atlanta-LD)  
**Subject:** RE: notice limit

How about 500 or 600 / weekday?

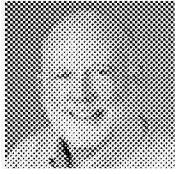
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**From:** Cadenhead, Randy (CCI-Atlanta-LD) [mailto:[Randy.Cadenhead@cox.com](mailto:Randy.Cadenhead@cox.com)]  
**Sent:** Tuesday, April 16, 2013 8:56 AM  
**To:** Victoria Sheckler  
**Subject:** RE: notice limit

Vicky,  
Good to hear from you again.

We have a fairly hard limit on the number of calls from customers that our team can handle in a day, but within those parameters, we would be happy to discuss the number of notices that we accept from you. Can you give me some sense of what you are thinking?

*Randy Cadenhead*



Privacy Counsel  
Cox Communications  
404 269 7671  
[Randy.Cadenhead@Cox.com](mailto:Randy.Cadenhead@Cox.com)

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**From:** Victoria Sheckler [mailto:[VSheckler@riaa.com](mailto:VSheckler@riaa.com)]  
**Sent:** Friday, April 12, 2013 4:39 PM  
**To:** Cadenhead, Randy (CCI-Atlanta-LD)  
**Cc:** Mark McDevitt  
**Subject:** notice limit

Randy – I hope you're well. We'd like to increase the number of p2p notices we send to Cox. I think currently the Cox limit is at about 400/day, and we'd like to increase it. We look forward to hearing from you. - Vicky

vicky sheckler | senior vice president, deputy general counsel | recording industry association of america | 1025 F street, NW 10th floor | washington, dc 20004 | 202.775.0101 (m) | 202.857.9603 (d) | 703-533-3714 (c)

**PX-486**

## U.S. Recorded Music Revenues by Format

2000 to 2014, Format(s): All

Source: RIAA

Source: RIAA. Permission to cite or copy these statistics is hereby granted, as long as proper attribution is given to the Recording Industry Association of America

Select Measure

Revenue

Revenue (Adjusted for Inflation)

Select Date Range

2000 to 2014

and Null values

Select Format(s) - ESC to Hide

All

Format (Click to Highlight)

LP/EP

Vinyl Single

Cassette

Cassette Single

CD

CD Single

SACD

DVD Audio

Music Video (Physical)

Download Album

Download Single

Ringtones &amp; Ringbacks

Download Music Video

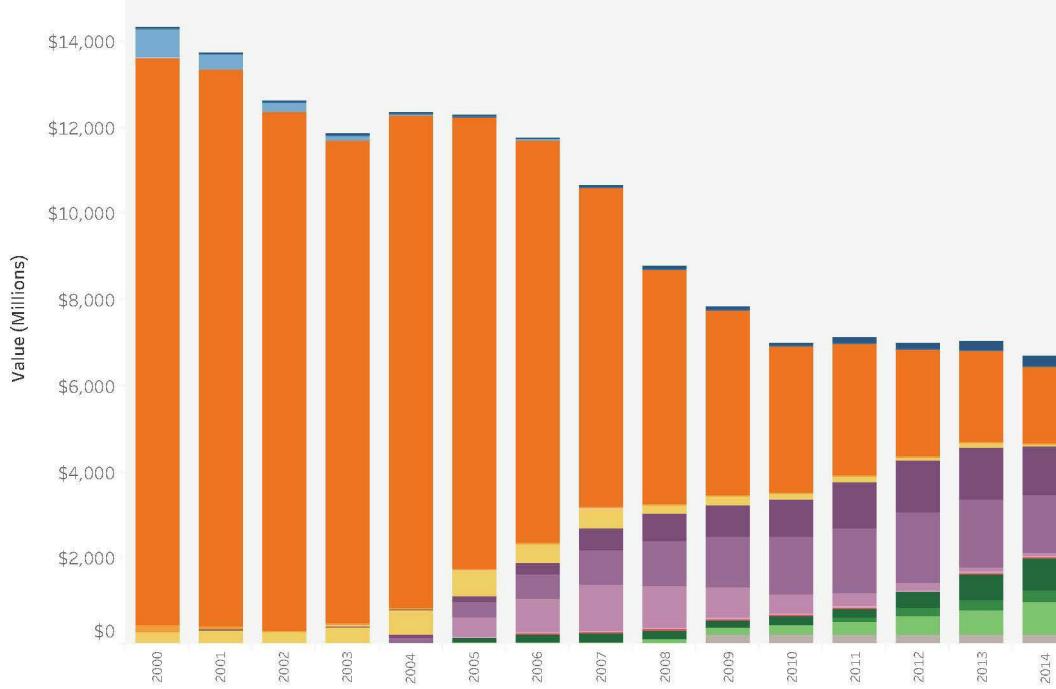
Kiosk

Paid Subscription

On-Demand Streaming (Ad-Support..)

SoundExchange Distributions

Synchronization



- Values are at recommended or estimated list price. Formats with no retail value equivalent included at wholesale price

- SoundExchange Distributions are estimated payments in dollars to performers and copyright holders for digital radio services under statutory licenses

- Paid Subscription includes streaming, tethered, and other paid subscription services not operating under statutory licenses.

- Limited Tier Paid Subscription includes streaming services with interactivity limitations by availability, device restriction, catalog limitations, on demand access, or other factors

- On-Demand Streaming includes ad-supported audio and music video services not operating under statutory licenses

- Other Ad-supported Streaming includes revenues paid directly for statutory services that are not distributed by SoundExchange and not included in other streaming categories

- Kiosk includes Singles and Albums

- Synchronization Royalties include fees and royalties from synchronization of sound recordings with other media

- Ringtones & Ringbacks includes Master Ringtones, Ringbacks, and prior to 2013 Music Videos, Full Length Downloads, and Other Mobile

- Other Tapes includes reel-to-reel and quadraphonic

- Other Digital includes other digital music licensing

- Updated accounting standards beginning in 2016

